IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.465 OF 2005
IN
NOTICE OF MOTION NO.650 OF 2005
IN
SUIT NO.567 OF 2005

Lallubhai Amichand Ltd. .. Appellant

v/s.

Akruti Nirman Limited & ors. .. Respondents

Mr.Shekhar Naphade, senior counsel with Mr.S.A.Diwan, Mr.Chetan Kapadia, Mr.Sanjay Jain i/by M/s.Dhruva & Co. for the appellant.

Mr.S.H.Doctor, senior counsel with Mr.Vijay Nair, Mr.P.K.Samdani and Mr.U.Vishwanathan i/by M/s.Pandya & Poonawala for the respondent Nos.1 to 3.

Mr.P.K.Shroff with Ms.R.Pinzara and Ms.C.Rewrie i/by M/s.P.K.Shroff & Co. for respondent Nos.4 and 5.

Mr.R.M.Sawant, Government Pleader for the respondent No.5.

Mr.Vinod Mahadik, for the BMC.

Mr.R.A.Dada, senior counsel with Mr.C.S.Balsara i/by Mr.N.Amin for the respondent No.7.

ALONGWITH

APPEAL NO.468 OF 2005
IN
NOTICE OF MOTION NO.650 OF 2005
IN
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Akruti Nirman Ltd. and ors. .. Appellants

v/s.

Lallubhai Amichand Ltd. & ors. .. Respondents

Mr.S.H.Doctor, senior counsel with Mr.Vijay Nair, Mr.P.K.Samdani and Mr.U.Vishwanathan i/by M/s.Pandya

& Poonawala for the appellants.

Mr.Shekhar Naphade, senior counsel with Mr.S.A.Diwan, Mr.Chetan Kapadia, Mr.Sanjay Jain i/by M/s.Dhruva & Co. for the respondent No.1.

Mr.P.K.Shroff with Ms.R.Pinzara and Ms.C.Rewrie i/by M/s.P.K.Shroff & Co. for respondent Nos.2 and 3.

Mr.R.M.Sawant, Government Pleader for the respondent No.4.

Mr.R.A.Dada, senior counsel with Mr.C.S.Balsara i/by Mr.N.Amin for the respondent No.5.

Mr.Vinod Mahadik for BMC.

CORAM : R.M. LODHA AND
J.P. DEVADHAR, JJ.

DATED : 22nd June, 2005

P.C.

Aggrieved by the ad-interim order passed by the learned motion Judge on April 8, 2005, the plaintiff as well as the original defendants Nos.1 to 3 have come up in appeal. The plaintiff's appeal is appeal No.465 of 2005. The plaintiff is aggrieved by the order to the extent it has been directed to deposit a sum of Rs.5.79 crores in this court within a period of four weeks. The defendant Nos.1 to 3 are aggrieved by the ad-interim order passed by the learned motion Judge in favour of the plaintiff in terms of prayer clause (b) of the motion.

2. We heard the learned senior counsel for the parties for some time. In the light of the observations, prima facie, made by us during the course of motion hearing, we indicated that the impugned order needs to be set aside and the matter requires reconsideration. This course was accepted

by the learned senior counsel appearing for the parties.

3. We, accordingly, set aside the order dated 8th April, 2005. However, we continue the ad-interim order passed in appeal for two days to enable the plaintiff to apply to the learned motion Judge for ad-interim relief.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)